

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
December 23, 2014  
7:16 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Mark Winings, Joanne Boulton, Alex Berger III and Rich Lintz.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

Absent: Cynthia Garnholz

**Alderman Boulton moved to approve the December 9, 2014 minutes. Alderman Winings seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

Mayor Sanger acknowledged the passing of Dr. John Wagner, husband of former alderman Beverly Wagner. He shared a thank you card sent to the Board from Beverly Wagner.

### FINDINGS, CONCLUSIONS AND DETERMINATION OF APPEAL – 7120 WYDOWN BOULEVARD and 8118 WESTMORELAND AVENUE

City Attorney O'Keefe reported that before the Board is the draft Findings, Conclusions and Determinations on two Architectural Review Board appeals which the Board had previously considered and voted on. He reminded the Board and audience that this is not a time to re-hash the merits of either of the cases, but it is the opportunity to conclude the process by articulating the rationale which a majority of the Board in each instance found to be relevant to the decision in each case. He welcomed any questions that anyone may have and added that the report also includes a synopsis of the points made during the discussions on each issue that the Board had raised as they discussed the merits or explained their votes.

He clarified that the first matter would be the question of adopting the Findings & Conclusions that reflects the decision by the Board of Aldermen with respect to the appeal for the property at 7120 Wydown Boulevard. If all is acceptable he recommends that a motion and second to adopt the Findings as submitted would be in order.

With regard to 8118 Westmoreland Avenue City Attorney O'Keefe explained that this also articulates the standard under which the Board has approached the issue, it articulates the points which the Board members raised in the course of their discussion and debate on the merits of the appeal and tries to preserve those points for any subsequent court review and for the edification of the parties as well as potential precedent for others who might wish to appeal. A motion would be in order to adopt the Findings, Conclusions and Determination as drafted and submitted.

**Alderman Harris moved to accept the Findings, Conclusions and Determination of the Appeal for 8118 Westmoreland Avenue. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

Mr. Reed Murphy, owner, addressed the Board with his concerns that the appeal was not legitimate as it relates to the purpose statement in Section 400.110 of the City's Code, referencing Section 405.39, and also referencing comments made by Board members in the October 14, 2014 Board of Aldermen Minutes.

City Attorney O'Keefe explained the drafted Findings suggest that the appellants are found to have standing and that the arguments they raised were sufficient within the meanings of the ordinance.

Mr. Murphy stated that this house was intentionally and diligently designed to meet all of the requirements of the City of Clayton's Planning and Zoning Codes and he felt they achieved those goals which were confirmed by the Planning staff and the Architectural Review Board. If the design violates the Zoning Code or some other statute which they are not aware, they respectfully request clarification of the specific regulations that their submission violates. He said that they have been asked to modify the house and to reconfigure the organization of the design. These are not simple modifications and will come at some expense not to mention the undoing of the previous month's effort and professional fees expended. It is only fair and their right that they are informed of the exact violations before attempting to modify the design to be in compliance, otherwise they run the risk of spending more time and resources in a futile effort. If in fact the design does meet all current regulations and despite that the Aldermen has chosen to deny their application for approval, they ask to please afford them the courtesy of something more than a general seemingly objective opinion of how the design should be modified. He asks, can you please be so kind as to delineate more exactly for them which of the regulations are to be ignored and which have been changed so that they can adhere to them.

City Attorney O'Keefe clarified that the stage in the proceedings at this point is not fact findings, not evidence, and not argument, ~~which~~ that was the time and place previously. He can understand that this outcome is certainly not what Mr. Murphy may desire and Mr. Murphy does have remedies that he can explore. He believes that the Findings do articulate with a fair measure of detail and specificity the basis upon which the decision was reached. He believes the Findings provide the answers to his questions.

Mayor Sanger suggested that Mr. Murphy and Ms. Hauck continue to work with the City staff to help provide guidance. He expressed his apologies for what they are going through and stated that he hopes it does not deter them from moving forward.

Alderman Harris commented that what they will find when they meet with the staff is that they have made extra efforts to become more familiar with the architectural style in that neighborhood.

**Alderman Harris moved to accept Findings, Conclusions and Determination of the Appeal for 7120 Wydown Boulevard. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**AN ORDINANCE TO CONSIDER APPROVING A MODIFICATION TO THE MUNICIPAL TRAFFIC CODE RELATED TO ASSIGNMENT OF RIGHT-OF-WAY ON SHAW PARK DRIVE IN SHAW PARK**

City Manager Owens reported that earlier this year, Public Works received a request to provide traffic control devices to assign right-of-way at Shaw Park Drive and the south entrance to Shaw Park from under Forest Park Parkway to make the intersection safer. Presently, the Municipal Code does not provide for the assignment of right-of-way at Shaw Park Drive and the south entrance to Shaw Park from under Forest Park Parkway.

In late June, in response to the request, Public Works installed stop signs and painted stop-bars on the east and west approaches to the intersection of Shaw Park Drive and the south entrance to Shaw Park from under Forest Park Parkway for a test period. No concerns have been received regarding the installations since they were installed. Given no problems have been experienced with the changes, we believe making these changes permanent is warranted.

Passage of this ordinance is necessary to codify the existing stop signs posted to assign right-of-way at Shaw Park Drive and the south entrance to Shaw Park from under Forest Park Parkway.

Recommendation is to approve the ordinance codifying the existing stop signs posted to assign right-of-way at Shaw Park Drive and the south entrance to Shaw Park from under Forest Park Parkway.

Mayor Sanger explained that at his request staff reviewed the need of placing a stop sign at the location.

**Alderman Harris introduced Bill No. 6476, an ordinance to consider approving a modification to the Municipal Traffic Code Related to Assignment of Right-of-Way on Shaw Park Drive in Shaw Park, to be read for the first time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6476, an Ordinance Approving Changes to the Traffic Code to Codify Existing Traffic Regulations on Shaw Park Drive in Shaw Park, for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6476 on the day of its introduction. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6476, an ordinance to consider approving a modification to the Municipal Traffic Code Related to Assignment of Right-of-Way on Shaw Park Drive in Shaw Park, to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6476, an Ordinance Approving Changes to the Traffic Code to Codify Existing Traffic Regulations on Shaw Park Drive in Shaw Park for the second time by title only.**

**Alderman Harris – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6350 of the City of Clayton.**

#### **AN ORDINANCE TO CONSIDER APPROVING THE 4TH QUARTER AMENDMENT TO THE FISCAL YEAR 2014 BUDGET**

Janet Watson gave a brief summary to the Board reporting on the following amendment considerations:

##### **General Fund**

Revenue – Net Reduction of \$405,900

- Property tax receipts were less than projected for a total of \$310,000. Receipts were higher than last year, but revenue was less mainly due to the success of protested assessed values.
- Building permit revenue has continued to improve and was \$100,000 more than planned.
- Telephone Utility Tax receipts have slightly declined from the previous year with \$100,000 less in receipts than planned for FY14.
- The City 1% sales tax and the 0.25% local option sales tax were \$70,000 and \$40,000 less, respectively, than planned although both of these taxes showed an increase from the prior year.

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- The City received a \$5,000 grant from residents toward the purchase of exercise equipment in the Fire Department and a patrol bicycle in the Police Department.
- Aquatic admissions were approximately \$60,800 less than planned due to the cool, wet weather this past summer, especially during the early season when most passes are purchased and the end of the season.
- The City changed the method of payment to the Tennis Center contractor, which reduced revenue by \$18,000 and also reduced costs. The payment from the tennis contractor to the City is now included in the Tennis Center Sales account which is being increased by \$14,000.
- Rentals of the new pavilion did not begin until July and therefore this income was less than planned by \$18,000 and is now combined in the Shelter Rentals account, which was increased by \$6,300.
- Special Event revenue was increased by \$5,600 to add the revenue from the Food Truck Sundays event.
- Youth Leagues had strong outside registration in both soccer and baseball leagues, which resulted in \$30,000 additional revenue.
- Ambulance fees received were \$50,000 more than budgeted.

#### Expenditures – Net Decrease of \$199,300

- In the Information Technology Division, three computer systems were scheduled for purchase and we would have begun maintenance and support on those systems in FY14. Two of the new systems will be implemented in FY15 and the maintenance will begin at that time. The total budget reduction is for \$110,000, which represents the amount of maintenance for all three systems.
- A donation was received and the budget is being increased in the departments to fund a portion (\$3,350) of an elliptical in the Fire Department and a portion (\$1,650) of a patrol bicycle in the Police Department.
- Property insurance deductibles were significantly higher than planned this year and an additional \$7,000 is being added to the budget.
- Additional costs of \$5,000 were expended on public communications.
- A portion of the HR compensation study was budgeted for FY14 in the amount of \$40,000, but this project will now all occur in FY15.
- Due to a remaining fund balance in a debt service fund, the City had the ability to reduce the amount to be transferred from the General Fund by \$66,300 for this payment.

#### Sewer Lateral Fund

##### Revenue – Decrease of \$10,000

- The Sewer Lateral program fees are collected on the annual property tax bill and large condominium buildings are excluded from the program by law. Over the past few years the revenue received has reduced as the condominium associations have become aware of the incorrectly charged fees, requested refunds due to their exclusion from the program, and then those fees are correctly not collected in the following years.

#### Special Business District

##### Revenue – Increase of \$16,600

- Donations of \$16,600 were received to help offset the costs of the Shakespeare Festival. The event was originally planned for FY15 but was moved to late FY14.

##### Expenditures – Increase of \$77,000

- The Shakespeare Festival event cost of \$77,000 has been added due to moving the event from FY15 to FY14.

#### Equipment Replacement Fund

##### Expenditure – Net Decrease of \$991,300

- Due to a changeover in police car models the total amount of the cars purchased this year were \$7,500 over budget, and the aerial bucket truck also had \$7,500 of additional cost.
- The ambulance for the amount of \$219,300 was budgeted for FY14 and is on order, but was not delivered until FY15 for payment.
- Three large systems were budgeted in Information Technology. Two of the large systems will be purchased in FY15 and one is no longer planned. The total impact of purchasing, training and implementing these systems is an FY14 budget reduction of \$787,000.

#### Capital Improvement Fund

##### Revenue – Decrease of \$3,055,762

- The Brentwood/Carondelet Streetscape project and the Wydown Resurfacing project extended into FY15 further than planned and the related federal grant reimbursements totaling \$1,811,282 will occur in FY15 instead of FY14.
- Miscellaneous revenue was planned for the reimbursement of a portion of the Bonhomme Garage parking access controller from St. Louis County and this project has been moved to FY15, therefore the related revenue of \$44,480 is also being moved to FY15.
- The new bond funded projects have begun, but less of the work occurred in FY14 than planned, therefore the transfer of construction funds is being reduced by \$1,200,000. This change will not cause other bond- funded projects to be delayed.

##### Expenditures – Decrease of \$3,627,525

- The decision was made this year not to rebuild one of the ice rink compressors at this time, which is a reduction of \$42,500.
- Aquatic Center projects of the pool grates and the deck expansion joint maintenance have been delayed until FY15 for a total reduction of \$111,000.
- The ADA Transition Plan project was expected to be complete in FY13, but many of the costs were not incurred until FY14 and the budget needs to be increased by \$128,300 for this project.
- The Brentwood/Carondelet Streetscape project progressed faster than planned requiring additional FY14 funding of \$130,675 and bids came in higher than planned. The downtown parklet and bollards did not occur in FY14, but will be paid in FY15. The entire downtown streetscape project will be reduced by \$276,000 in FY14.
- Most of the Wydown Resurfacing work occurred in FY14, but the final closeout did not occur until FY15. The project was under budget due to favorable bids and there was determined to be no need to replace the solid concrete base. The decrease for this project is \$2,153,000.
- Two projects were postponed until FY15, which are the environmental relocation work and the Bonhomme Garage parking access controller. The reduction for these two projects is \$104,000.
- A portion of the new bond funded project work will occur in FY15 instead of FY14, therefore the budget is being reduced for the alley projects by \$350,000, and the street resurfacing projects by \$850,000. This will not cause the other projects to be delayed.

#### Debt Service Funds

##### Revenue – Net Increase of \$15,525,600

- The exact amounts of the new General Obligation bonds and the transactions involved in the Refunding bonds were not known at the time the FY14 budget was approved. We are now making those needed amendments to the budget due to these two bond issuances. We are amending the budget to record the \$15,000,000 in 2014 General Obligation bonds received and the premium on those bonds of \$457,200. The City only received \$134,700 of the 2014 Special Obligation Refunding bonds. The City did have a remaining balance in the fund after the refunding and we were able to reduce the transfer-in from the General Fund for the normal annual bond payment in FY14 by \$66,300.

##### Expenditures – Net Increase of \$2,011,000

- This amendment is to record the 2014 General Obligation and 2014 Special Obligation Refunding bond issuance costs of \$88,000 and \$67,700, respectively. This also includes the amount of reserves that were transferred to the trustee of \$1,854,600 to complete the refunding.
- The City received an increase in trustee fees related to bond payments of \$700.

The ordinance incorporates the recommended amendments to the FY14 budget and also provides an all fund summary of the effect of the recommended amendments, including the prior budget amendments to date and the percentage effect of the accumulated amendment on each fund.

**Alderman Harris introduced Bill No. 6477, an ordinance to consider approving a 4<sup>th</sup> Quarter Budget Amendment to be read for the first time by title only. Alderman Winings seconded.**

**Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6477 on the day of its introduction. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6477, an Ordinance to consider amending the Fiscal Year 2014 Budget and Appropriating Funds Pursuant Thereto for the first time by title only.**

The motion passed unanimously by a voice vote.

**Alderman Harris introduced Bill No. 6477, an ordinance to consider approving a 4<sup>th</sup> Quarter Budget Amendment to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6477, an Ordinance to consider amending the Fiscal Year 2014 Budget and Appropriating Funds Pursuant Thereto for the second time by title only.**

**Alderman Harris – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; And Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6351 of the City of Clayton.**

**A RESOLUTION TO CONSIDER APPROVING THE SUBMITTAL OF A PARK PLANNING GRANT APPLICATION FOR CONSULTANT SERVICES TO COMPLETE A PARK LAND AND OPEN SPACE NEEDS ASSESSMENT**

City Manager Owens reported that in 2007, the City of Clayton completed a Parks and Recreation Master Plan. This 2007 Plan provides strategies for meeting Clayton's recreational needs through the year 2017. It recommends implementation of the ten-year plan according to a prioritized and phased strategy, which will bring changes in the recreational opportunities of the City of Clayton and help to maintain the City's exceptional quality of life.

A component of this plan included an evaluation of existing parkland and open space and recommendations for future acquisition opportunities. Since 2007 the City has acquired 4.56 acres of open space in the southwest corner of the city and has converted this land into Anderson Park. Other changes in property ownership and use have transpired, although not on city property; however, in evaluating park needs the consultants do take these areas into consideration. As a result of these changes and the request of citizens, the Parks and Recreation Commission made the following recommendation to the Board at their February 4, 2014 meeting:

“The Parks and Recreation Commission reaffirm their support for the preservation and acquisition of green space; and request the BOA to initiate a city wide study to review park space and allocation.”

Included in the FY15 budget is funding for this study of up to \$8,000. Staff has prepared a grant application that will request \$6,400 from the Municipal Park Grant Commission to help defray the cost of this study. The

City would need to pay 20% of the cost or \$1,600. If the grant is secured, we would begin working with a consultant in spring 2015.

Recommendation is to approve the resolution authorizing submittal of the grant application.

In response to Alderman Berger's question, Patty DeForrest explained that this issue was discussed at the Parks and Recreation Commission meeting and because of the addition of 4.5 acres (Anderson Park) and changes in the usage of the land prompted the interest in seeking an assessment.

**Alderman Harris moved to approve Resolution No. 14-28, to authorize the submittal of a grant application to the Municipal Park Grant Commission. Alderman Winings seconded.**

**The motion passed 5-Ayes to 1-Nay (Alderman Berger) on a voice vote.**

#### Other

Alderman Winings reported that the Plan Commission reviewed conceptual plans for the Opus Development Project.

Alderman Boulton announced that they have just recently moved back into their home after it was damaged by fire.

Alderman Berger reported that he attended a neighborhood meeting regarding the Opus Development project. The meeting was well attended and also had favorable comments.

Alderman Berger gave recognition to the City staff for a job well done during the Mike Brown situation, safe demonstrations, and awaiting the Grand Jury decision. As a token of appreciation several residents put together a personal thank you brochure to provide to the staff.

Mayor Sanger added that the flyer/brochure was an exceptional effort to thank the staff and the City.

There being no further business the meeting was adjourned at 7:55 p.m.

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Mayor

ATTEST:

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City Clerk